

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

Plaintiff,

V.

SUNOCO, INC., et al.,

Defendants.

Civil Action No. 05-6336-ABB

ORDER

AND NOW, this 15th day of July, 2009, it is **ORDERED** that:

- The United States’ Motion for Summary Judgment on the Statute of Limitations Defenses (Doc. #200) is **DENIED** in part and **GRANTED** in part:
 - The United States’ Tank Act claim against Sunoco for diminution in property value is not time barred.
 - There is an open question of fact as to whether or not the United States’ Tank Act claim against Sunoco for costs of abatement is time barred.
 - The United States’ UCATA claims against Sunoco and Atlantic Richfield are not time barred.
- Sunoco’s Motion for Summary Judgment on the Statute of Limitations (Doc. #202) is **DENIED**; Sunoco’s Motion for Summary Judgment on Causation (Doc. #202) is **DENIED** without prejudice; Sunoco’s Motion for Summary Judgment on the United States’ Clean Streams Act Claim (Doc. #202) is **DENIED**; Sunoco’s Motion for Summary Judgment on the Tank Act Counterclaim (Doc. #202) is **DENIED** without prejudice.
- Atlantic Richfield’s Motion for Summary Judgment on the Statute of Limitations (Doc. #204) is **DENIED**.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: _____

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